Omar Khadr: A Timeline

1975–77: Ahmed Said Khadr emigrates from Egypt to Canada. He studies computer science at the University of Ottawa and marries Maha Elsamnah.

1980s: After the Soviet invasion of Afghanistan, Muslims from around the world go there to fight with the rebels.

1985: Ahmad Khadr sets up a humanitarian organization in Peshawar, Pakistan, not far from the Afghan border.

19 September 1986: Omar Khadr is born in Toronto, the fifth of seven children. The family moves often between Canada and Pakistan.

1995–96: Ahmed Khadr is arrested and accused of complicity in a terrorist bombing of the Egyptian Embassy in Pakistan. He begins a hunger strike. After Canadian Prime Minister Jean Chrétien raises the case with his Pakistani counterpart, Benazir Bhutto, Khadr is released.

17 November 2001: Two months after the terrorist attacks on New York and Washington, the Taliban regime in Kabul falls to the US-backed Northern Alliance. Taliban fighters continue to operate in much of southern Afghanistan. Ahmed Khadr’s name now appears on a US list of suspected terrorists.

27 July 2002: Omar Khadr, aged fifteen, is arrested in the ruins of a compound in Afghanistan after a firefight with US troops. He is
severely injured in the fight and loses sight in one eye. No others from his side survive the battle. He will be charged with throwing a hand grenade that fatally wounded Sgt Christopher Speer, a Delta Force strategic forces soldier and medic.

27 July–October 2002: Omar is held captive under extreme conditions in the US Bagram Air Base in Afghanistan.

October 2002: He is transferred to the Guantánamo Bay military complex in Cuba. As the detention camp is officially considered outside US legal jurisdiction, prisoners are not entitled to Geneva Convention protection.

February 2003: CSIS and Foreign Affairs agents spend parts of four days interrogating Omar in the company of a US agent. At this point he has received no visits from any Canadian consular official.

2 October 2003: Ahmed Khadr is one of eight fighters killed in a battle with Pakistani forces in the Waziristan region of northwestern Pakistan. Omar’s fourteen-year-old brother Abdulkareem is wounded in the battle and left paralyzed.

8 August 2005: The Federal Court of Canada issues an interim injunction prohibiting the Canadian government from further interrogation of Omar Khadr.

7 November 2005: Omar is charged with murder by an unprivileged belligerent, attempted murder by an unprivileged belligerent, conspiracy, and aiding the enemy. Deemed an “enemy combatant,” he is the only Canadian among roughly 660 prisoners at Guantánamo. He is the only child housed with adults.

9 January 2006: US authorities announce that Omar will appear that month before a military commission.

6 February 2006: Stephen Harper is sworn in as prime minister of a minority Conservative government.

6 April 2006: The Canadian Bar Association urges Prime Minister Harper to ask the United States to obey the rule of law and stop holding foreigners in Guantánamo without charge.
29 June 2006: The US Supreme Court releases its decision in the *Hamdan v. Rumsfeld* case. It rules that President Bush did not have authority to set up war crimes tribunals, thus invalidating the system of military commissions. The judgment says that military commissions do not conform to acts of Congress and find them illegal under the Geneva Conventions.

17 October 2006: President Bush signs into law a new Military Commissions Act, its purpose being “to authorize trial by military commission for violations of the law of war, and for other purposes.”

February 2007: Under the Military Commissions Act, Omar Khadr is again charged with murder, attempted murder, conspiracy, providing material support for terrorism, and spying.

14 June 2007: Sixteen NDP MPs, nine non-govermental organizations in Canada, and 110 academics and lawyers sign an open letter to Prime Minister Harper requesting that he repatriate Omar without delay.

29 June 2007: A US military judge dismisses all charges against Omar: he is an “enemy combatant,” but military commissions can deal only with “unlawful enemy combatants.”

3 July 2007: The US government appeals the dismissal.

12 August 2007: The Canadian Bar Association asks Prime Minister Harper to negotiate with the United States to repatriate Omar “to face due process under Canadian law.”

25 September 2007: A three-member appeal panel reverses the ruling of 29 June 2007 and reinstates the charges against Omar.

27 September 2007: Opposition leader Stéphane Dion meets Omar’s US defence counsel, Lt-Cmdr William Kuebler, and calls for Khadr’s release: “Canada is alone among Western nations in not having secured the release from Guantánamo of one of its nationals.”

4 February 2008: Documents that are mistakenly released during a military tribunal hearing show that another fighter was still alive inside the Afghan compound where Omar was captured. Earlier it
had been alleged that Omar alone survived the US bombardment, making him the only suspect in the death of Sgt Speer.

March 2008: In an affidavit, Omar Khadr says that US military interrogators at Bagram Air Base in Afghanistan threatened him with rape and tortured him into making false statements.

17 April 2008: A letter submitted in court filings by Omar’s defence lawyers reveals that Canada’s previous Liberal government had asked the United States not to send him to Guantánamo after his capture in Afghanistan.

28 April 2008: Former Minister of Foreign Affairs Bill Graham expresses regret that Canada has not been “more vigilant” on Omar’s behalf.

23 May 2008: The Supreme Court of Canada rules that Canadian officials took part in an “illegal” process by sharing information about Omar with the United States. The court orders the government to give Omar’s legal team the secret files that CSIS and Foreign Affairs compiled from their interrogation at Guantánamo.

29 May 2008: The Pentagon abruptly replaces the military judge presiding over the case.

3 June 2008: Foreign Affairs documents reveal that US soldiers guarding Omar at Guantánamo have called him a “good kid” and “salvageable,” but warn that prolonged detention could radicalize him.

17 June 2008: The Canadian government says it has resisted repatriating Omar over fears he would reconnect with his family, described as “terrorist.”

10 July 2008: Prime Minister Harper again vows to leave the case in the hands of the US military, despite reports a day earlier that Canadian officials knew Omar was being harshly treated by US forces at Guantánamo.

15 July 2008: Video is made public of Canadian agents interrogating the sixteen-year-old Omar at Guantánamo in February 2003.
20 July 2008: Former prime minister Paul Martin says Canada should lobby to bring Omar home. Former Liberal ministers Anne McLellan, Irwin Cotler, and Stéphane Dion all now say they were unaware of the extent of the abuse allegations involving Omar and/or that he should be tried in a Canadian court.

9 August 2008: Omar’s Canadian lawyers, Dennis Edney and Nate Whitling, file a lawsuit against Prime Minister Harper to try to force him to intervene in the case and repatriate Omar. The lawsuit says the federal government has ignored its obligation to help rehabilitate and reintegrate children illegally used in armed conflict, and that Omar has suffered torture in American hands.

23 November 2008: Harper says he will not lobby to have Omar repatriated to Canada.

28 November 2008: Irwin Cotler, former minister of Justice, writes: “Other western nations … have evidently realized what our government has not. There is no justice in waiting for an unjust criminal process to unravel. There is no justice in acquiescing in the inhumane treatment of our citizen. And until the government starts realizing that its duty to protect Canadians cannot wait for illegal judicial processes to run their course, our citizens will remain at risk.”

12 December 2008: Omar Khadr’s military-appointed lawyer tells a pre-trial hearing at Guantánamo that a photograph and an American soldier’s testimony prove Khadr could not possibly have thrown the grenade that killed Sgt Speer.

19 January 2009: FBI special agent Robert Fuller testifies that the fifteen-year-old Omar, while being held at Bagram Air Base, identified Canadian Maher Arar as a man he saw in an al-Qaeda “safe house” in Afghanistan. Cross-examined, Fuller admits that Omar took a lot of time to identify Arar and only said he “might have seen him.” It was information given by Canadian officials to the United States that led Arar to be deported to his native Syria. Arar was cleared of terrorist links by a judicial inquiry in 2006 and later awarded compensation. According to Omar’s defence team, this false FBI information supports the claim that US authorities coerced him into making untrue statements.
22 January 2009: Having promised during his presidential campaign that he would close the Guantánamo detention camp and reject the Military Commissions Act, the newly inaugurated Barack Obama instructs the Secretary of Defense that no new charges should be sworn and that all military commission proceedings should be halted.

February 2009: France’s Foreign Minister Bernard Kouchner asks US Secretary of State Hilary Clinton to intervene in Omar’s case while discussing Guantánamo, which Clinton called “a cancer.” WikiLeaks will eventually release a US cable about the meeting: “The FM [Kouchner] handed the Secretary a paper concerning Omar Khadr, a 15-year old Muslim of Canadian origin. The Secretary agreed to review the case ... Leading figures in allied governments were pressing Washington over the case of a Canadian citizen – even though Canada’s government was not.”

24 March 2009: The Canadian House of Commons passes New Democrat MP Wayne Marston’s motion calling for Omar’s immediate repatriation. “It is now the will of the House that the child soldier Omar Khadr be repatriated,” Marston says. “It is time for the Prime Minister to bring Omar Khadr home.”

April 2009: US authorities remove Omar’s military defence lawyer, Lt-Cmrd Bill Kuebler, from the case. Kuebler had lodged a complaint about his superior, saying that the Pentagon’s chief defence lawyer, Col. Peter Masciola, supported the prosecution of Omar while overseeing his defence. A few days later, Kuebler is reinstated to the case.

23 April 2009: Federal Court Justice James O’Reilly rules that the federal government has violated the Charter rights of Omar Khadr by refusing to seek his release. He writes: “Clearly Canada was obliged to recognize that Mr. Khadr, being a child, was vulnerable to being caught up in armed conflict as a result of his personal and social circumstances in 2002 and before.”

24 April 2009: Amnesty International launches a campaign to pressure the Canadian government into repatriating and rehabilitating Omar.
28 April 2009: A US military judge says that hearings against Omar will begin in June.

7 May 2009: Eighteen members of the University of Saskatchewan’s law faculty and sixty-one of the province’s trial lawyers sign an open letter saying that Canada’s failure to seek Omar Khadr’s repatriation goes against principles of fundamental justice.

24 June 2009: Federal lawyers file an appeal of the court ruling ordering Canada to seek Omar’s return to this country. The repatriation order is put on hold pending the outcome of the appeal.

15 July 2009: The Security Intelligence Review Committee, the watchdog for Canada’s spy agency, says CSIS ignored human rights concerns by interrogating Omar when he was a teenager in Guantánamo. The government says it is “reviewing the report with interest.”

14 August 2009: A Federal Court of Appeal judge upholds a ruling ordering the government to repatriate Omar.

25 August 2009: Ottawa promises to fight the decision in the Supreme Court of Canada. Ten days later the Supreme Court grants the government’s request for an appeal.

13 November 2009: The United States says it will soon move Omar from Guantánamo to a military prison within the United States to stand trial before a military tribunal.

4 December 2009: Colonel Patrick Parrish, the US military judge, says he wants to fix a trial date and gives the lawyers two weeks to propose schedules.

15 December 2009: Omar is among the Guantánamo prisoners set to be immediately transferred to the maximum-security Thomson Correctional Center in Illinois. This does not happen, and the Thomson Center will eventually be closed.

29 January 2010: In a unanimous ruling the Supreme Court of Canada refuses to order the Harper government to seek Omar Khadr’s
repatriation. But it also declares that federal government actions have violated and continue to violate Omar’s constitutional rights, and that Canada should rectify the wrongs committed against him.

3 February 2010: The Harper government again declares it will not seek Omar’s repatriation from Guantánamo.

16 February 2010: The federal government sends a diplomatic note to the United States asking that information from Omar’s interviews with Canadian interrogators not be used against him, as the Supreme Court of Canada found his Charter rights had been violated.

7 March 2010: A high-ranking source says officials in the Obama administration are looking for ways to repatriate Omar out of fear that the military commissions at Guantánamo will be further discredited. “They don’t have the stomach to try a child for war crimes,” the source says.

28 April 2010: Pretrial proceedings for Omar finally begin in Guantánamo. Prosecutors say he could face a prison term of twenty-five to forty years.

5 July 2010: The Federal Court of Canada gives the Harper government seven days to remedy the violations of Omar’s constitutional rights.

7 July 2010: Omar fires his three American lawyers, throwing his upcoming trial into doubt.

12 July 2010: He tells the US military judge that he will boycott the trial, calling it a “sham.” The judge refuses to let him fire his military lawyer, Lt-Col Jon Jackson. The same day the government of Canada says it will appeal the Federal Court order of July 5.

9 August 2010: The presiding judge at the trial decides to allow the use of evidence the defence has said was the product of torture. Omar pleads not guilty to five charges of war crimes.
12 August 2010: The trial begins. The military commission deciding Omar’s fate consists of a judge and jury of eight officers.

13 October 2010: Omar agrees to a plea bargain. He pleads guilty to five charges, including murder, as part of a deal that avoids a war-crimes trial. He also admits to planting improvised explosive devices and to receiving weapons training from a terrorist network. Under an agreement worked out between the US and Canada, he must now begin to serve an eight-year sentence in Guantánamo. In a diplomatic note, the Harper government agrees to “favourably consider” an application for his repatriation after a year. Despite this, the US military jury chooses to sentence him to forty years’ imprisonment.

7 March 2011: President Obama announces the resumption of Guantánamo military commissions to prosecute alleged terrorists.

3 August 2011: Omar fires his Canadian lawyers, Dennis Edney and Nate Whitling. He writes to them: “Although I feel deeply indebted to you for your dedication, changing counsel at this time is in my best interests. I have the highest praise and respect for you both.” In their place Omar appoints John Norris and Brydie Bethel.

6 September 2011: Prime Minister Harper announces that his government will reinstate the anti-terrorism clauses brought in after 11 September 2001 and that expired in 2007. His rationale? “The major threat is still Islamicism.” Anne McLellan and John Manley, former Chrétien-era Liberal ministers responsible for the original clauses, reaffirmed their support. Bob Rae, the current Leader of the Liberals, objected – along with the NDP.

1 November 2011: Lawyer John Norris says that Omar Khadr has asked to return to Canada to serve the rest of his sentence here. Norris hopes the transfer will occur “very soon,” but government officials have given no assurance of this. The process may take up to eighteen months, according to news reports.

31 December 2011: President Obama signs the 2012 National Defense Authorization Act (NDAA), which may make it possible to accelerate Omar Khadr’s transfer.
11 February 2012: Access to Information requests make public two documents Public Safety Minister Vic Toews wrote to csis director Richard Fadden. On 7 December 2010 Toews said that “under exceptional circumstances” csis could share information based on third-party torture. The directive lets csis decide whether to reveal how or why the evidence was obtained. A July 2011 four-page directive advised csis to release information to foreign governments even when torture is a “substantial risk.”

NOTES

This timeline is derived from elements in the Omar Khadr story developed in Dr Audrey Macklin’s University of Toronto Law timeline, the National Post timeline, the CBC timeline, the PBS timeline, Global News timeline, and other news and political websites.


In late October 2011, Omar Khadr was eligible to be transferred to Canada to serve the rest of his sentence. There seemed to be progress five months later after a long silence.

On 24 March 2012 (when this book was about to be printed), a *New York Times* article quoted several US officials including Guantánamo’s chief military prosecutor and a Bush-era Pentagon official who registered concern that delays in transferring Omar Khadr might threaten the Guantánamo plea bargain progress – it would not be credible unless governments “follow through” on their promise to transfer prisoners. Journalist Charlie Savage concluded Omar Khadr’s “limbo status is the result of bureaucratic delays in processing his application to transfer, especially within the Canadian government.” However a spokesman for Canadian Public Safety Minister Vic Toews noted Omar Khadr’s “file has not come to the minister’s office for review,” implying the delay was on the US side.

On 28 March, US Defense Secretary Leon Panetta said: “Obviously we will approve the transfer to Canada,” and indicated he would soon sign the agreement. The same day in the Canadian House of Commons, Toews said that if a US application for Khadr’s transfer from Guantánamo “were received, it will be determined in accordance with the law.” That evening, Canadian Press reported that Ottawa would indeed approve the transfer.

Should this occur, President Obama is required to give the US Congress thirty-days notice of the transfer – and due to the pre-trial agreement, Congress cannot stop it.

It thus appears that Omar Khadr may return to Canada in late May 2012.
Two portraits of Omar Khadr by Heather Spears